

tained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1665. Adulteration and misbranding of oil. U. S. v. 31 Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3343. Sample No. 34833-E.)

This product was an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil. It contained two colors, one unpermitted and one permitted in drugs and cosmetics but not in food. It was adulterated and misbranded as indicated below.

On November 12, 1940, the United States attorney for the Northern District of New York filed a libel against 31 cans of oil at Whitehall, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by the Catania Importing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "La-Spagnola Brand Oil 78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil."

The article was alleged to be adulterated in that an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil, had been substituted wholly or in part for 78 percent cottonseed oil and 22 percent olive oil, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations provided by law.

It was alleged to be misbranded in that the wording and design of the label was false and misleading since they conveyed the impression that it was of foreign origin; in that the statement "78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil" was false and misleading as applied to artificially flavored and colored oil similar to soybean oil, containing little or no olive oil; in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and in that it contained artificial flavoring and artificial coloring and the label did not state that fact.

On January 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1666. Adulteration and misbranding of olive oil. U. S. v. 89 Gallon Cans, 2 Half-Gallon Cans, and 23 Quart Cans of Olive Oil. Default decree of condemnation and order that samples be delivered to the Government; remainder ordered distributed to charitable institutions. (F. D. C. No. 3400. Sample Nos. 34671-E to 34676-E, incl.)

This product was represented in its labeling as olive oil, but it consisted essentially of cottonseed oil and contained little or no olive oil. The product in 87 of the 89 gallon cans contained artificial flavoring, and that in the remaining 2 gallon cans contained artificial coloring.

On or about November 20, 1940, the United States attorney for the District of Connecticut filed a libel against 89 gallon cans, 2 half-gallon cans, and 23 quart cans of olive oil at Danbury, Conn., alleging that the article had been shipped in interstate commerce on or about August 8, 28, and 30 and September 7, 1940, by Ciroco Oil Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: (Cans) "Roberta Brand," "Puglia Brand," "Colomba Brand," "Lola Brand," "Italia Brand," or "Superfine Olive Oil A. Sasso."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, a portion of which contained artificial flavoring and a portion of which contained artificial coloring, had been substituted wholly or in part for olive oil, which it purported to be. The portion contained in the gallon cans was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavoring or artificial coloring, and in that artificial flavoring or artificial coloring had been added thereto or mixed and packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (all lots) in that it was sold under the name of another food. It was alleged to be misbranded further in that the following statements and designs were false and misleading in that they were incorrect: (49 gallon cans) "Pure Olive Oil Imported from Lucca Toscana Italy [design of olive branches and olives] * * *. This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statements in Italian] Imported Pure Olive Oil"; (21 gallon cans) "Superfine Pure Olive Oil Imported from Lucca Italy [design of a crown, shield, and olive branches] * * *. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [similar statements in Italian] Pure Olive Oil"; (5 gallon cans) "Imported Olive Oil * * * Lucca Toscana Italia [design of an olive tree and olive branches] * * *. This Olive Oil imported from the Italian Riviera is guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian] Pure Imported Olive Oil"; (9 gallon cans) "Superfine Olive Oil * * * Imported Product [design of an olive branch] Pure Olive Oil Imported [similar statements in Italian]"; (3 gallon cans, 2 half-gallon cans, and 23 quart cans) "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of an olive branch and gold medals] Pure Imported Olive Oil"; (2 gallon cans) "Supreme Olive Oil Imported Lucca Italia [design of olive branches, Italian flag, and shield, and gold medals] * * *. The purity of this Olive Oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [similar statements in Italian] Imported Pure Olive Oil." The product in the gallon cans was alleged to be misbranded further in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring (87 cans) and artificial coloring (2 cans), but did not bear labeling stating that fact.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that 1 gallon of the product be delivered to this Agency as a sample and the remainder distributed to charitable institutions. On March 14, 1941, the decree was amended to provide that this Agency be furnished samples from each brand.

1667. Adulteration and misbranding of olive oil. U. S. v. 19 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3587, Sample No. 36967-E.)

This product was represented to be imported olive oil, but consisted essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil.

On December 23, 1940, the United States attorney for the District of Massachusetts filed a libel against 19 cans of olive oil at Quincy, Mass., alleging that the article had been shipped in interstate commerce by Guy Fillippeli from New Rochelle, N. Y., on or about November 15, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Tivoli Brand Pure Imported Olive Oil."

The article was alleged to be adulterated in that a product consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be. It was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavor and artificial color, and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the picture of olive trees and workers gathering olives and the following statements in the labeling were false and misleading as applied to an article consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil: "Pure Imported Olive Oil"; and "Tivoli Brand olive oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked ripe and selected olives. It is an absolutely pure product, highly recommended for table use and medical purposes * * * [similar statements in Italian]."

It was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence,